

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LABORERS' LOCAL UNION NOS. 472 & 172 AND LABORERS' LOCAL UNION NOS. 472 & 172 WELFARE AND PENSION FUNDS AND SAFETY, EDUCATION AND TRAINING FUNDS and ZAZZALI, FAGELLA, NOWAK, KLEINBAUM & FRIEDMAN P.C.,

Petitioners,

v.

LIMA CHARLES CONSTRUCTION,

Respondent.

Civ. No. 22-267 (GC)

OPINION

CASTNER, District Judge

THIS MATTER comes before the Court upon the Petition and Motion to Confirm Arbitration Award filed by Petitioners Laborers' Local Union Nos. 472 & 172, Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds, and Zazzali, Fagella, Nowak, Kleinbaum & Friedman, P.C. (collectively, "Petitioners"). (ECF Nos. 1, 2.) Respondent Lima Charles Construction ("Respondent") has not opposed. The Court has decided the Motion based on the written submissions of the parties and without oral argument, pursuant to Local Civil Rule 78.1(b). For the reasons stated herein, Petitioner's Petition and Motion to Confirm the Arbitration Award are **GRANTED**.

Upon review of Petitioners' submissions, the Court finds that Respondent is bound by a collective bargaining agreement with Petitioner Laborers' Local Union Nos. 472 & 172 Welfare

and Pension Funds and Safety, Education and Training Funds. (Pet. ¶ 2, ECF No. 1.) The agreement provides for the submission to arbitration of any controversies concerning delinquent payments to Petitioner Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds. (Pet. ¶¶ 3–4; Collective Bargaining Ag. 5, Ex. A to Pet., ECF No. 1.)¹ In accordance with these terms, this dispute was submitted to Arbitrator J.J. Pierson (the "Arbitrator"). (Pet. ¶ 5.) Following a hearing held on November 29, 2021 and with proper notice to all parties, the Arbitrator entered an Award in writing on the same date. (Pet. ¶ 5, Arb. Award 20–23, Ex. B to Pet., ECF No. 1.) The Award indicates that Respondent was delinquent in making required contributions to Petitioner Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds between September 1, 2021 and September 30, 2021. (*Id.* 20–21.)

This Court must confirm an arbitration award "[i]f the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration." 9 U.S.C. § 9. Having considered Petitioners' written submissions in light of Respondent's failure to oppose, and for good cause shown, this Court grants Petitioners' Petition and Motion to Confirm Arbitration Award. (ECF Nos. 1, 2.) An appropriate Order will follow.

Date: August 17, 2022


GEORGETTE CASTNER, U.S.D.J.

¹ The Petition and attached exhibits do not contain page numbers, so the Court cites to the CM/ECF page numbers.